

The information detailed below is taken directly from the Federal Rules of Appellate Procedure (FRAP).

This information is what an attorney will be referred to when calling the court seeking information on admission to the bar, and rules related to admission to the bar.

We have provided these word for word from the FRAP (Rule 46), in order to make them easier to obtain.

**Frap 46. Attorneys (a) Admission to the Bar.**

- (1) Eligibility.** An attorney is eligible for admission to the bar of a court of appeals if that attorney is of good moral and professional character and is admitted to practice before the Supreme Court of the United States, the highest court of a state, another United States court of appeals, or a United States district court (including the district courts for Guam, the Northern Mariana Islands, and the Virgin Islands.)
- (2) Application.** An applicant must file an application for admission, on a form approved by the court that contains the applicant's personal statement showing eligibility for membership. The applicant must subscribe to the following oath or affirmation:

**"I, \_\_\_\_\_, do solemnly swear [or affirm] that I will conduct myself as an attorney and counselor of this court, uprightly and according to law; and that I will support the Constitution of the United States."**

- (3) Admission Procedures.** On written or oral motion of a member of the court's bar, the court will act on the application. An applicant may be admitted by oral motion in open court. But, unless the court orders otherwise, an applicant need not appear before the court to be admitted. Upon admission, an applicant must pay the clerk the fee prescribed by local rule or court order.

**(b) Suspension or Disbarment**

- (1) Standard.** A member of the court's bar is subject to suspension or disbarment by the court if the member:
  - (A)** has been suspended or disbarred from practice in any other court; or
  - (B)** is guilty of conduct unbecoming a member of the court's bar.
- (2) Procedure.** The member must be given an opportunity to show good cause, within the time prescribed by the court, why the member should not be suspended or disbarred.
- (3) Order.** The court must enter an appropriate order after the member responds and a hearing is held, if requested, or after the time prescribed for a response expires, if no response is made.

**(c) Discipline.** A court of appeals may discipline an attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with any court rule. First, however, the court must afford the attorney reasonable notice, an opportunity to show cause to the contrary, and, if requested, a hearing.

**(As amended Mar. 10, 1986, eff. July 1, 1986; Apr. 24, 1998, eff. Dec. 1, 1998.)**

\*\*\*\* 11th Cir. R. 46-1 Attorneys.

**(a) Admission and Fees.** Only attorneys admitted to the bar of this court may practice before the court. Admission is governed by FRAP 46 and this Eleventh Circuit Rule. An attorney seeking admission shall submit an application on a form supplied by the clerk to the clerk's principal office in Atlanta accompanied

by an admission fee of \$20.00 payable to U.S. Court of Appeals, Non-Appropriated Fund, 11th Circuit. It is the responsibility of each member of the bar to keep this court informed of any changes to addresses, phone numbers, fax numbers, and email addresses.

**(b) Readmission and Fees** Each attorney admitted to the bar of this court shall pay a readmission fee of \$10.00 every five years. A new certificate of admission will *not* issue upon payment of this fee. Attorneys admitted *after* April 1, 1989, shall pay this readmission fee to the clerk on or before the fifth anniversary of their admission. Attorneys admitted *prior* to April 1, 1989, shall pay this readmission fee to the clerk during the month indicated in the following schedule, and then during that same month each five years thereafter:

Last Name (Initial)	Payment Date
A - D	April, 1994
E-K	May, 1994
L-R	June, 1994
S-Z	July, 1994

If the readmission fee is not timely paid, the clerk shall send notice of nonpayment to the attorney at the address on the roll of attorneys admitted to practice before this court (attorney roll) and advise the attorney that payment of the readmission fee is due within 30 days of said notice. If the readmission fee is not thereafter paid within 30 days, the clerk shall strike that attorney's name from the attorney roll, sending notice of same to the attorney at the address on the attorney roll. If the court's 30-day notice is returned undelivered due to an incorrect address, no further notice is required to be sent. If an attorney whose name is stricken from the attorney roll due to nonpayment of the readmission fee thereafter wishes to seek readmission to the bar of this court, said attorney shall apply for admission to the bar pursuant to section (a) of this outline.

**(c) Admission for Particular Proceeding.** The following attorneys shall be admitted for the particular proceeding in which they are appearing without the necessity of formal application or payment of the admission fee: an attorney appearing on behalf of the United States, a federal public defender, an attorney appointed by a federal court under the Criminal Justice Act or appointed to represent a party in forma pauperis. Attorneys in these categories who desire to receive an admission certificate from the Eleventh Circuit must pay the admission fee.

**(d) Entry of Appearance.** An attorney admitted to the bar of this court shall enter an appearance in each appeal in which the attorney participates at the time the appeal is docketed or upon notice by the clerk. All attorneys intending to argue must file the form for entry of appearance provided by the clerk, which form requires counsel, in addition to other pertinent information: (1) to cite all pending related and similar appeals reasonably known to counsel to be on the docket of this court; (2) to indicate on the appearance form whether the appeal is in a category of appeals entitled to preference in processing by law.

**(e) Attorney Discipline.** This court has adopted rules governing attorney conduct and discipline. See Addendum Eight.

**(f) Appointment or Withdrawal of Counsel.**

(1) Appellate Obligations of Retained Counsel. Retained counsel for a criminal defendant has an obligation to continue to represent that defendant until successor counsel either enters an appearance or is appointed under the Criminal Justice Act, and may not abandon or cease representation of a defendant except upon order of the court.

(2) Habeas Corpus or 28 U.S.C. §§ 2255 Pauper Appeals When any pro se appeal for either habeas

corpus or 2255 relief is classified for oral argument, counsel will normally be appointed under the Criminal Justice Act before the appeal is calendared. The screening panel which classifies the appeal for oral argument will advise the clerk who will then obtain counsel under the regular procedure.

- (3) Relieving Court Appointed Counsel on Appeal. Counsel appointed by the trial court shall not be relieved on appeal except in the event of incompatibility between attorney and client or other serious circumstances.
- (4) Criminal Justice Act Appointments. The Judicial Council of this Circuit has adopted the Eleventh Circuit Plan under the Criminal Justice Act and Guidelines for Counsel Supplementing the Eleventh Circuit Plan under the Criminal Justice Act. See **Addendum Four**.
- (5) Non-Criminal Justice Act Appointments. This court has adopted rules governing Non-Criminal Justice Act Appointments. See **Addendum Five**.

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*I.O.P There is no formal swearing-in ceremony.*

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